

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

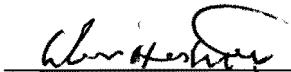
UNITED STATES OF AMERICA, : Case No. 3:09-cr-95
Plaintiff, : Also 3:11-cv-340
- vs - : District Judge Walter Herbert Rice
LEVI LEE, : Magistrate Judge Michael R. Merz
Defendant. :

ORDER ADOPTING SUPPLEMENTAL REPORT AND RECOMMENDATIONS

The Court has reviewed the Supplemental Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #83), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Supplemental Report and Recommendations.

Accordingly, it is hereby ORDERED that the Petition is DENIED on all three Grounds for Relief. Defendant is permitted to appeal *in forma pauperis* and granted a certificate of appealability on Ground Three.

January 4, 2012.



Walter Herbert Rice
United States District Judge